



**SHERWOOD CITY COUNCIL MEETING MINUTES**  
**22560 SW Pine St., Sherwood, Or**  
**May 3, 2016**

**WORK SESSION**

- 1. CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:05 pm.
- 2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Dan King, Renee Brouse, and Councilor Sally Robinson via conference call. Councilor Jennifer Kuiper arrived at 6:09 pm. Councilor Linda Henderson was absent.
- 3. STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Mark Daniel, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.
- 4. TOPICS:**

**A. Willamette Governance Group Update**

City Attorney Josh Soper presented information (see record, Exhibit A) and explained this is the Willamette Governance Group proposed timelines of subjects that the group has identified that need to be negotiated and resolved to prepare an IGA to bring to the governing bodies for approval. He said currently the main governance group is working on the topic of voting. He said he met today with the attorney's and they are working on subjects as well (referencing the exhibit). He said after we finish our work and the voting work has been completed, we will move on to the finance evaluation and initial capital contribution topics. He said they will then work on the Review of the Comprehensive Governance Structure and the attorney's will be working on a draft of the IGA which they hope to have developed and refined by the end of the year. He said the IGA will come to the Council for initial review and then after the first of 2017, the IGA will be going before all the City Councils and the TVWD Board for approval.

Josh referenced page 3 of the exhibit and explained the structure, which includes all the City Councils and TVWD Board. He explained they would all appoint representatives to be on the Governing Board of the new entity that is being formed. He said this would then have several policy boards that would advise on different issues, such as a Policy Board on the WRWC Water Right. He said the Governing Board would appoint and oversee a managing agent or agency which could be one of the cities or TVWD or something else who would manage the day to day affairs and may operate the plant itself or have a separate plant operator that they contract with. He said in addition to the managing agent, there is a management committee that is foreseen to be developed and an operations committee. He said the

operations committee would consist of representatives from each of the seven agencies who have technical expertise and who can advise the managing agent on technical issues. He said the management committee would consist of the City Managers or CEO's of these organizations or their designees and would provide more of a management perspective and advice the managing agent.

Josh provided a handout (see record, Exhibit B) and said this is a list of bullet points, examples of the types of things the various groups would do, such as the responsibilities of the Governing Board and Managing Agent, the Management Committee, Operations Committee and Plant and System Operator(s).

Josh offered to answer questions. A question was asked if Washington County had an interest in this. Josh replied no. A question was asked regarding the City of Wilsonville being part of the WRWC and Josh stated they are not part of the WRWC.

**5. ADJOURN:**

Mayor Clark adjourned the work session at 6:10 pm and convened to an Executive Session.

**EXECUTIVE SESSION**

1. **CALL TO ORDER:** Mayor Krisanna Clark called the meeting to order at 6:11 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Dan King, Jennifer Kuiper and Renee Brouse. Councilor Sally Robinson via conference call.
3. **STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Public Works Director Craig Sheldon and Police Captain Mark Daniel.

**4. TOPICS:**

- A. ORS 192.660 (2)(f), Exempt Public Records.

**5. ADJOURN:**

Mayor Clark adjourned the executive session at 6:40 pm and convened to a regular session.

**REGULAR SESSION**

1. **CALL TO ORDER:** Mayor Clark called the meeting to order at 7:02 pm.
2. **COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Renee Brouse, Dan King and Jennifer Kuiper. Councilor Sally Robinson via conference call.
3. **STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier, City Attorney Josh Soper, Police Captain Mark Daniel, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon, Administrative Assistant Colleen Resch and City Recorder Sylvia Murphy.

Mayor Clark addressed the next agenda item and asked for a motion.

**4. APPROVAL OF AGENDA:**

**MOTION: FROM COUNCILOR ROBINSON TO APPROVE THE AGENDA, SECONDED BY COUNCILOR KUIPER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda and asked for a motion.

**5. CONSENT AGENDA:**

- A. Approval of April 19, 2016 City Council Meeting Minutes**
- B. Resolution 2016-022 Appointing Geoffrey Beasley to the Cultural Arts Commission**
- C. Resolution 2016-023 Authorizing the City Manager to renew an IGA with City of Portland for Telecommunication Services**

**MOTION: FROM COUNCILOR KUIPER TO APPROVE THE CONSENT AGENDA, SECONDED BY COUNCILOR KING. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

**6. PRESENTATIONS:**

**A. Recognition of Eagle Scout Award Recipient**

Mayor Clark called forward Christian Doyle and asked him to describe his Eagle Scout project. Christian presented information regarding his project which involved building bookshelves and stocking them with books for the NICU at St. Vincent's Hospital. He explained the premature babies have a loss of interactions with their parents which causes delayed developmental speech patterns and the books and bookshelves were to help promote families to create the lost interactions. He said he built two bookshelves and needed at least 300 books to stock them, he said the project took three weeks and 63 hours to complete. He said he set up a book drive and created containers labeled with the types of books he was seeking. He said he established the containers throughout the Sherwood community. He said the wood for the bookshelves was donated by ABC Wood Works. He explained the construction, assembly and finish work performed on the bookshelves. He stated he received a lot of support from the community in book donations and said not all the books were used for this project. He explained he received over 800 books and only needed 300, and the extra books were donated to the Good Neighbors Homeless Shelter. He said as a new Eagle Scout he plans on helping out at the Boy Scout Camp as a Merit Badge Councilor.

The Council congratulated Christian and Mayor Clark presented him with a certificate of achievement.

**B. Recognition of Oregon Mayor's Association, 2016 "If I were Mayor, I Would..." Contest**

Mayor Clark thanked everyone who applied and said selecting a winner was very difficult. She announced that Livia Van Austen was the local winner of the “If I Were Mayor, I Would” poster contest. She presented the poster and asked Livia to explain her project. Mayor Clark presented Livia with a certificate of achievement and stated her poster would be submitted to compete in the state wide competition.

Mayor Clark announced that Meg McLaughlin, was the local winner of the essay contest. Mayor Clark asked Meg to come forward and explain her essay entry and presented her with a certificate of achievement and stated her essay would be submitted to compete in the state wide competition.

### **C. Proclamation, Proclaiming May 16-21, 2016 Emergency Medical Services Week**

Mayor Clark read the proclamation and noted the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators and others. She stated the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills. She proclaimed May 16-21 as Emergency Medical Services Week and encouraged citizens to recognize the value and the accomplishments of emergency medical services providers.

Mayor Clark addressed the next agenda item.

## **7. CITIZEN COMMENTS**

Tess Keis, Sherwood resident came forward and stated Mayor Clark has a nephew on his second tour in Afghanistan and announced that the Sherwood American Legion was collecting donations to send a care package to her nephew and others. She said donations can be dropped off at the Legion after 3:30 pm and a list of suggested items can be found online.

Mayor Clark thanked Tess and the legion for their support.

Nancy Taylor, Sherwood resident approached the Council and said she had a quandary and asked for clarification on the annexation decision decided by the State and signed by the governor that citizens were no longer able to vote on annexations. She said she noticed the City did not step up and said she received information that the City of Corvallis will probably step up. She said she believes the City Attorney has said that if the state decides on this issue then they trump local law. She said she noticed with the marijuana issue and the state law, the City had an opportunity to vote on it. She said she doesn't understand the difference with these two issues as both are state issues and one topic the City wants to argue and not the other. She said the City wants the voters to consider one issue but not the other. She asked for an explanation.

Mayor Clark asked City Attorney Soper if he had any comments. Mr. Soper said generally he doesn't like to respond to public comments and said what we are talking about is if there is a conflict with a state law and a local law and in both these cases that has been cited, there is no conflict. He said in the case of the marijuana issue, the state law said that communities can put a vote on a ballot to ban marijuana within their jurisdictions, and we are doing that. He said similarly with the voter annexation bill, Sherwood's Charter does not contradict the voter annexation bill because the Charter says, “annexations shall be submitted to the voter, unless otherwise provided by state law”, he said so there is no conflict there, the

Charter was written specifically to say that if a state law requires that it not go to a vote then it's not going to a vote in Sherwood.

Councilor Kuiper asked to clarify and said the law on annexation doesn't give the same ability for cities to allow a vote like the marijuana law. Mr. Soper replied right, there is no local opt out provision.

Ms. Taylor asked then how is Corvallis planning on overturning it. Mr. Soper said he doesn't know about Corvallis, but knows there are some other cities where their charter does not say "unless otherwise provided by state law", it simply says, "it shall go to a vote", in which case there would be a direct conflict and then you could potentially challenge that conflict. He said we don't have that in Sherwood.

Ms. Taylor said she guesses we don't want that in Sherwood, correct?

Alan Pearson, Sherwood resident came forward and said he has a PhD in Political Science, specializing in American Government. He said this is a political science question that he will answer. He said there are essentially three systems of government that refers to a central government and it's relation to subordinate governmental units. He said all state governments are known as unitary systems of government and all governing powers reside in the central government and here is Oregon that happens to be in Salem. He said Sherwood, and every other City, county and school board and every other governmental unit is created by your state legislature. He said any governing powers that the local subordinate government units have are powers granted to it by the state legislature and can be withdrawn at any time. He said there is really no such thing as "home rule", locals governments are not independent sovereign governmental units, they exists through a charter granted to them by the state legislature and the state legislature can adapt that charter any way it wishes. He said the other system of government is a confederation where sovereign governmental units create a central government that has no powers whatsoever except what the subordinate governmental units give them; United Nations, NATO, the Confederate States of America. He said the first United States of America was actually a confederation. He said the federal system of government is a division of power system where you have semi-sovereign states that do things that only the states can do, such as hold elections, educate people, marriage etc. and there are things that only the national government can do such as treaties, declare war and fight wars with other nations, and there are things that both governments can do simultaneously, such as tax. He said murder in rare exceptions is strictly a state crime except if it occurs on federal lands. He said most of your criminal activity is ruled by the state. He said to answer Nancy's question, because Oregon is a unitary system of government the state legislature can deem whatever it wishes in terms of how Sherwood's government acts and we don't have any say in it. He said he doesn't know what Corvallis is planning on doing, but they won't win, because that is the way American government works.

Mike Meyer, Sherwood resident approached the Council and said he is the owner of Generations Bar & Grill and is a member of the Sherwood Planning Commission. He said he wants to talk about an issue he has and an issue he has heard about from other citizens, an issue with a lack of structure around our residential development code. He said he grew up in a very small town, smaller than Sherwood and expounded on the small town environment where everyone knows everyone and people grow up together, a town with a sense of community and belonging. He said when he moved to Sherwood with his family seven years ago, he felt that sense of community and belonging. He said as we grow from a community of 20,000 to 30,000 or 50,000 we need to maintain that sense of community and we can still do that through intelligent growth. He said we need to look at our residential development plans, our codes and make sure they fit into plans that we have for our community, so as we grow we still have that

sense of community. He said it's because of our City government and our citizens that we still have that feeling and can maintain it. He said how we grow and what we do in our community and how we develop should be up to us as a community, not up to out of state developers or out of area developers, they are in it for the biggest bang for their buck. He said he is not advocating for any particular type of house and said we need to have a plan, so as we grow those decisions are ours and not those of outside entities. He said he would like to encourage the City Council to work with the City planners, have dialog, include the community and planning commission and let's have an intelligent growth plan so we when do hit 50,000 we still have that small town feel. He said people want to live here and move here and said let's make sure they are welcomed and that it fits into our community.

City Manager Gall added, subject to budget committee and Council approval, the Comprehensive Plan which is the growth plan for our community, the City is nearing the launch of an overdue update. He said we need citizens and businesses to be engaged to help draft the plan. He said if we don't do a good job, 20-30 years from now, the City won't be the Sherwood that you're talking about. He said this is a very important project, and commented regarding the great citizen input received on the Sherwood West project and said we learned a lot of great lessons from this. He said the Council identified this project as a priority and it's long overdue and community engagement is key.

Mayor Clark thanked City Manager Gall and Mr. Meyer.

With no other citizen comments, Mayor Clark addressed the next item on the agenda.

## **8. PUBLIC HEARINGS**

### **A. Ordinance 2016-007 Amending Title 9 of the Municipal Code relating to public peace, morals and welfare, Chapter 9.52 Prohibiting of Noise**

City Attorney Josh Soper said on February 2, 2016 the Council amended the City's noise ordinance to address smaller immediate concerns and at that time also discussed that it was time for the City to take a comprehensive look at the noise ordinance. He said staff has done that and brought back recommendations and discussion items at a work session held on April 19, and based on that discussion we have a draft noise ordinance for Council consideration of a first reading. He said if the Council votes to approve this tonight then it would move forward to a second reading at the next Council meeting, at least six days from now, for a final adoption.

Josh explained highlights and said previously we defined "day hours" as between 7 am and 10 pm on weekdays and between 8 am and 7 pm on weekends and based on the feedback from the work session, the new proposed language is 7 am to 9 pm on weekdays and 8 am to 9 pm on weekends. He said we also took a number of the specific violations and exceptions that exist in the League of Oregon Cities model ordinance and added those or tweaked ours to be more consistent with those and what we are seeing in neighboring communities. He said specifically in regards to our neighboring communities, we added an exemption for certain holiday related noises, 4<sup>th</sup> of July fireworks, New Year's Eve, and we totally revamped the variance provisions to streamline that process, by eliminating the different categories of variances. He said now under the new proposal all initial variance decisions will be made by the City Manager instead of some of those having to come before the Council. He said they can be appealed to the Council if necessary. He said there were no changes to fines, but a Class C violation for the first

offense which is \$250, subsequently it's a Class B, which is \$500. He offered to answer Council questions.

Councilor King said we also changed the noticing. Josh said the newspaper notice is no longer required and instead it is a website notice and we are also changing the requirement to hand deliver those notices to the neighbors, to either hand delivering them or mailing them, any way you want to "deliver" to owners or occupants.

Mayor Clark opened the public hearing and with no comments received she closed the public hearing comment and asked for Council comments. With none received, the following motion was stated.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO APPROVE ORDINANCE 2016-007 AMENDING TITLE 9 OF THE MUNICIPAL CODE RELATING TO PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.52 PROHIBITING OF NOISE AND PLACE IT ON THE NEXT AVAILABLE CITY COUNCIL MEETING AGENDA FOR ADDITIONAL PUBLIC COMMENT AND CONSIDERATION. SECONDED BY MAYOR CLARK. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next agenda item.

**B. Resolution 2016-024 Establishing fees in the City's Fee Schedule for the Community Garden Program**

City Manager Gall explained the first phase of the community garden is currently under construction. He said on May 7 there is a large community group volunteering to build garden beds. He said the City has begun taking applications to reserve plots and legally we cannot charge any fees until the Council establishes them. He said the resolution before the Council is to establish fees for the different size plots for people to reserve. He said the City has three different plot sizes, a 4x8 raised bed which is a \$30 fee plus a \$10 charge for a nonresident, a 10x20 raised border bed is a \$45 fee, plus \$10 for nonresident, and a 20x20 are \$60 plus a \$10 fee for nonresident. He said the fees are fairly consistent with other cities that have community garden programs. He said we will evaluate the fees after the first season and may make adjustments if necessary.

Councilor Kuiper clarified the fee is a season fee and not a monthly fee, Mr. Gall confirmed this was correct.

Mayor Clark added that it is customary to have a fee to pay for water and the upkeep required by staff.

Staff reminded the Council that public comments were required when considering adjustments to City fees.

Mayor Clark opened the public hearing. With no one coming forward Mayor Clark closed the public hearing. The following motion was received.

**MOTION: FROM MAYOR CLARK TO ADOPT RESOLUTION 2016-024, ESTABLISHING FEES IN THE CITY'S FEE SCHEDULE FOR THE COMMUNITY GARDEN PROGRAM, SECONDED BY COUNCILOR**

**BROUSE. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next agenda item.

**C. Ordinance 2016-008 Amendment to Chapter 16.31 (Industrial Uses) of the Sherwood Zoning and Community Development Code**

Julia Hajduk Community Development Director presented information (see record, Exhibit C) and said the Council discussed this topic in a recent work session and previewed changes. Julia provided a brief background and stated the Tonquin Employment Area was brought into the UGB (Urban Growth Boundary) in 2002 and the City adopted a Concept Plan in 2010. She said at the time we identified key targets that we wanted for this area and said it was envisioned that other areas that would be compatible would be allowed conditionally through that process. She said however when we did a code update in 2012 staff merged three industrial chapters into one and during that process we unintentionally had very few uses that were actually allowed outright or conditionally in the employment industrial (EI) zone. She said this was brought to staffs attention by property owners and brokers that were representing developers in the area and staff realized very quickly this was an issue that needed to be resolved quickly as the economy was turning around.

She said back in October staff went to the planning commission and presented the issue and received support from the commission to proceed with the code update process. She said we began discussing the project approach and timeline with the commission and sent in December-January notice to all the property owners with industrially zoned property a letter explaining what we were doing and asked for feedback, and a survey was also posted on the City website. She said based on the input we received prior to and at a public planning commission work session on January 12, we developed a first draft recommendation of changes that were discussed on January 26, where we received additional feedback from the commission and the public, which resulted in a second round of draft changes. She said on February 2 we received additional feedback from the commission and public and this lead to staff preparing draft changes that we went out for public notice on.

Julia explained the public notice process (page 4 of exhibit). She said with a text amendment there is one criteria in our code that is required, that the amendment be based on a need for the amendment identified by the Council or commission and it needs to be consistent with the comprehensive plan, all provisions of the plan and code and with any applicable state or city statute and regulation. She said we identified that the applicable comprehensive plan policies were related to economic development and industrial planning designations and there is also Metro Title 4 standards, and the recommendations outline the analysis as well as findings that the proposed changes are compliant with that.

She said the planning commission held a hearing on April 12 to consider the draft changes as well as public input and there was testimony that was received and considered and those resulted in some changes to the original draft changes that are included in your packet. She said there was testimony about clarifying the exterior odor and noise so that it wasn't subjective. She said they made changes and there was discussion about the size of a stand-alone warehouse and distribution center, not a warehouse and distribution center that was associated with manufacturing or another permitted use, but if it was simply a warehouse and distribution center, originally in the Tonquin Employment Area that was prohibited, but after discussion and further understanding of the market, the commission was open to



allowing stand-alone warehouses. She said initially the proposal was to limit it to 100,000 square feet and after receiving public comment and consideration, the commission recommended 150,000 square feet and then we clarified some things based on input from Pride Disposal to differentiate solid waste landfill incinerators and other solid waste facilities from a solid waste transfer facility, and we fixed some scrivener errors.

She said with those changes the planning commission made on the 12, they unanimously recommended those changes. She said in the Council meeting packet you have the planning commission recommendation that goes into analysis, criteria and findings and attached to that is a clean copy of the proposed changes followed by a track-change version of the proposed changes. She said exhibit 3 is a summary of each change and it's rational.

Councilor Kuiper asked regarding the comments made by Bill Bach with Trammwell Crow about noise. Julia said that was addressed and is on page 79 of the Council packet. Julia explained the text and intent. Julia offered to answer questions.

Councilor Brouse referred to the letters they received and said one letter requested they go up to 200,000 square feet and the other said 150,000, and then we decided to go with 150,000. She asked what resulted in this decision. Julia replied she thinks the planning commission simply was compromising and being somewhere in the middle. She said it is something that can be discussed and asked Tom Pessemier to comment. Julia said originally the Tonquin Employment Area really did not want to be a distribution warehouse center, they wanted to be making and creating things and this was prohibited, so the idea of allowing it with some limitations is what was proposed. She said this is what is allowed outright, and there is still an opportunity through a conditional use process to go greater than 150,000 square feet.

Assistant City Manager Tom Pessemier added that the Tonquin Employment Area is about employment and we want to make sure we reserve as many jobs and provide as many jobs in that area as we can.

Councilor Kuiper asked regarding subleasing and if this is allowed under the code. Tom replied the code does not address what private property owners want to do inside of the building relative to their lease, it would be part of the site plan application and looking at the site as a whole.

Councilor Henderson commented that it would have to be an approved use, Julia replied right.

Julia referred to the letters that were received and said they were received prior to and at the planning commission meeting and we have not received any written testimony after the planning commission recommendation that is before the Council. Julia stated her recommendation is that the Council hold a public hearing and consider approving the planning commission recommendation, by approving Ordinance 2016-008. She added this would be the first reading and anticipates the second reading would occur on June 7 if approved.

Mayor Clark opened the public hearing.

Alan Pearson Sherwood resident came forward and praised Julia Hajduk and Tom Pessemier for their efforts on this and said Julia pulled together several different codes from surrounding towns and then modified and advised the planning commission to come up with Sherwood's version. He said what the

Council sees is a lot of work, compromise and discussion and recognizing we need to start attacking the growth, economic growth and industrial growth of Sherwood.

Mayor Clark closed the public comments section of the hearing and asked for Council questions or comments.

Councilor Kuiper said she thinks the 150,000 square feet is a good compromise and said Sherwood is not in a major transportation corridor where we would get 200,000 plus large distribution warehouses where you would have to get in/out quickly or handle a lot of goods. She said she also believes it preserves the diversity that we are going to need in the area we have. She thanked staff for their work.

Mayor Clark thanked the planning commission for their work.

Councilor Henderson asked regarding a category of Personnel Services that seems to capture voluntary services and asked where laboratory services fall under a particular zone. She thought they were allowed in general commercial. Julia replied laboratory language is on page 80 of the Council packet.

With no other Council questions, the following motion was received.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO APPROVE ORDINANCE 2016-008 AMENDMENT TO CHAPTER 16.31 (INDUSTRIAL USES) OF THE SHERWOOD ZONING AND COMMUNITY DEVELOPMENT CODE AND PLACE ON THE NEXT AVAILABLE CITY COUNCIL MEETING AGENDA FOR ADDITIONAL PUBLIC COMMENT AND CONSIDERATION. SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next agenda item.

**D. Ordinance 2016-009 Repealing Title 1 General Provisions, Chapter 1.08 Initiative and Referendum; and amending Title 2 Administration and Personnel, Chapter 2.04 Elections of the Municipal Code; declaring emergency**

City Attorney Soper said the ordinance contains a number of housekeeping measures relating to the City's regulations and code on elections. He said the impetus for this was based on a question he received from the City Recorder regarding the timelines for candidate filings for office for November 2016. He said in looking through state law and the City code he discovered a contradiction between the two. He said the state law indicates the first date one can file for office is June 1 and the City code indicates January 1. He said for the last day to file, it's August 30 under state law and August 25 under the City code. He said given the states stated intention to have a uniform system of elections in Oregon it's questionable whether we are even permitted to differentiate ourselves from state law on those basis and in addition to that, just in terms of being able to easily administer our own elections in the City and to make it transparent and easy for candidates, it seems prudent and staff's recommendation is to eliminate that discrepancy and defer to state law. He said in particular to the filing deadline, a candidate could consult the Secretary of State Candidates Manual and see a deadline of August 30 and plan on filing before that deadline and coming to find that the City's deadline has already passed. He said our recommendation is to fix that issue. Mr. Soper said while he was reviewing this, the City Recorder brought to his attention a number of other corrections to the code that BEH, the previous City Attorney had

recommended back in 2012 that never resulted in gaining traction and getting approved. He said he has looked over those recommendations and they are housekeeping measures that should have been done back in 2012. He said somehow an oversight occurred in 2005 when the City adopted a comprehensive chapter in 2.04 regarding City elections. He said there was a previous section adopted in 1998 in chapter 1.08 that wasn't repealed at the time and it contradicts the newer chapter in some ways and has extraneous information that is not necessary. He said the first recommendation in that respect is to repeal the older chapter 1.08 and secondly, in the new chapter 2.04 there is a strange requirement that when we receive an initiative petition, the petitioner provides language for the measure and the City Attorney has to draft a ballot title, this is required by state law, and that ballot title is what is circulated in the petition. He said if it qualifies for election with enough signature, and the City Council puts it on the ballot, then you need an explanatory statement to go in the voters' pamphlet. He said for some reason our code requires us to draft that explanatory statement at the beginning before it even qualifies for an election. He said this recommended change is to simply say, wait until it qualifies for the ballot and then draft the explanatory statement.

He said he is requesting the Council adopt this ordinance on an emergency basis because if it is done under the normal process, a second hearing is required on June 7 and it would not take effect until July 7, which is well into the candidate filing period and well into the initiative and referendum period and would not provide the clarity for the November election. He reminded the Council to adopt tonight, there needs to be a unanimous decision of all seven council members.

Council President Harris asked the City Recorder when a candidate runs for office, they bring the paperwork to the City Recorder for processing, correct. She asked who takes the paperwork to the County Elections Office, the City Recorder or the candidate.

The City Recorder replied the candidate filing is processed through the City Recorder and once she receives all candidate filings, she has a deadline to certify the candidates, which is done through a certified letter which she hand delivers to the County Elections office with copies of the candidate filings.

Council President Harris asked what is the deadline to file with the City Recorder. Mr. Soper stated August 30 is the deadline to file with the City Recorder. The City Recorder added her deadline to file with the County is different than the August 30 date. She explained she sets a deadline which is usually 3-4 business days after the candidate filing, this allows her time to gather all candidate filings, draft the certified letter and hand deliver it.

Mayor Clark opened the public hearing to receive comments, with none received, she closed the public hearing and asked for Council questions or a motion.

Councilor Kuiper thanked City Attorney Soper and the City Recorder for helping to keep things in order.

**MOTION: FROM COUNCIL PRESIDENT HARRIS TO READ CAPTION AND ADOPT ORDINANCE 2016-009 REPEALING TITLE 1 GENERAL PROVISIONS, CHAPTER 1.08 INITIATIVE AND REFERENDUM; AND AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.04 ELECTIONS OF THE MUNICIPAL CODE; DECLARING EMERGENCY. SECONDED BY MAYOR CLARK. MOTION PASSED 7:0, ALL PRESENT MEMBERS VOTED IN FAVOR. (COUNCILOR ROBINSON VIA CONFERENCE CALL).**

Mayor Clark addressed the next item on the agenda.

## **9. CITY MANAGER REPORT:**

City Manager Gall stated the City is hosting two international fellows this month, through a program of the US Department of State and through his professional association with the International City County Management Association. He said the City of Albany has hosted fellows in the past and has spoken very positively of the experience both for the fellows that are learning as well as the community and staff. Mr. Gall introduced Thu Thu San from Myanmar and Yin Yee Tham from Malaysia and stated both arrived on Saturday. He said they are here for a month and will be learning how we do things in local government in comparison to their own countries. He said the fellows that are here are all from Asia and are all young professionals, ages 25-35. He said they are staying in Sherwood, in a cottage in old town that is within walking distance to City Hall. He said both fellows work in the education field and are interested in how we do education in this country.

Mayor Clark stated she is very excited the fellows are here and is glad to have them and appreciates the City Manager's support of the program. Councilor Kuiper asked what the fellows had planned for their stay and City Manager Gall explained. City Manager Gall said the program allows for the opportunity for City staff to visit one of their countries for 2-3 weeks and he will be looking into this as a few department heads have expressed interest. Mr. Gall spoke of international work of local government leaders.

Yin Yee Tham stated they are very grateful for the opportunity and offered to answer Council questions.

City Manager Gall stated that the Council was taking a break from their regular Council meeting schedule during May to attend budget committee meetings. He said the first meeting is May 12. He said the proposed budget was released last week and is available online. He said May 19 and 26 are also scheduled budget committee meetings if necessary.

Mayor Clark addressed the next item on the agenda.

## **10. COUNCIL ANNOUNCEMENTS**

Mayor Clark invited the public to attend the budget committee meetings and said there will be opportunity for public comments. She stated that the Sherwood Archer Competition will be July 16 and 17 at Edy Ridge. She said she attended the Robin Hood Festival Maid Marian Coronation. She reminded Council and staff that comments have been received about it being difficult for the public to hear them speaking at the Council meetings are reminded them to speak up. She reported the Trash Palooza event had over 140 participants and they cleaned up Sherwood. She thanked all the participants, sponsors and staff. She stated on May 31 Trimet will be having their first ride for the new Sherwood Line 97 at 10 am. She said she sits on the SW Corridor Plan Committee and stated she is accepting comments from people that she can take back to the committee. She said comments can be sent to her City email address. She said she attended the Glimpses of Wonder Grand Reopening in its new location behind Kohl's, she said it is a gaming store with lots of activities that can be done at the store, not necessarily video gaming, but actual board games and other games. She said they have had great success and needed to move into a bigger facility.

Councilor Kuiper reported the Parks & Recreation Board meeting was held yesterday. She said the community garden will be open dawn to dusk and there will be future opportunities for eagle scouts and gold awards for girl scouts to get involved. She reported May 7 a work party will be building raised garden beds at the garden. She reported the bid opening for Woodhaven Park Phase II will be May 20 and we are hoping by mid-June that we will be moving dirt. She reported the Parks & Recreation Board has four openings and interviews will be held on May 11 and applications can be found online. She gave a shout out to the Sherwood high school for fantastic Guys & Dolls performances held over the last two weeks. She recognized Christian Doyle for his role in the musical.

Mayor Clark stated at the Maid Marian Coronation, Jessica Mulkey was crowned Maid Marian.

Councilor Kuiper stated this year the Robin Hood Festival Association was building the mini float for the Rose Parade and the float will have 2 people riding on the float, one of which will be Jessica Mulkey. Councilor Kuiper recognized Home Depot for their donation of wood for the float and Rex Hills for donating wine barrels. Mayor Clark stated we will be defending our first place title from last year and there will be ten other cities participating in this category.

Councilor Kuiper shared a story regarding the float construction, which resulted in Fox Towing in Tualatin coming out to assist in towing the mini float. She stated the float is being constructed at Baggenstos Farms and thanked them for the use of their facility.

Council President Harris reported that in April the Sherwood Library had 20,000 visitors and said it is Asian Pacific American Month and the library is celebrating with different programs and displays. She said one of the displays is a Chinese Lion Dance on May 14 and a Hawaiian Hula Dance on May 21, both events are at 1:30 pm. She reported it is Mental Health Awareness Month and on May 19 there will be a QPR (Question, Persuade and Refer) training for people to recognize a mental health situation, 5:30-7:30 pm and pre-registration is required. She said a lite dinner will be provided. She reported Friends of the Library is meeting this Thursday at 5 pm. She reported on the events at the Center for the Arts and summer classes. She reported Movies in the Park survey is online and on the City's face book page. She reported the Altered Arts Festival at Veteran's Memorial Park is on June 4, 10 am – 4 pm.

Councilor King reminded people to please vote and said there is a ballot drop off box next to the library book drop box.

Councilor Brouse stated she is a member of a group, Just Compassion and they have a meeting this Thursday, she said they focus on finding housing and providing services to those that are disenfranchised. She reported Saturday is Neighbor to Neighbor day. She reported this is the final week for the rotary tree sale. She reported the upcoming Chamber meeting will be held at Rose's and it's in preparation for the Tip a Cop event on May 14. She reported the Community Services Fair is May 21 at the Sherwood TVFR station. She reported of the upcoming Cascadia Rising, which is a four day FEMA event that Sherwood will be participating in on June 7 & 8, in conjunction with Washington County and other northwestern states. She said there will be an Emergency Operations Center set up and is an opportunity to get prepared. She reported the School Board will be meeting next week.

Mayor Clark reminded that Congresswoman Suzanne Bonamici will be here this Saturday at the Center for the Arts at 2:30 pm for a town hall.

Councilor Henderson stated the Police Advisory Board met last week and had a presentation from the Western Oregon Community Policing Institute, out of Western Oregon University. She reported they held a work session with the planning commission on potential regulations and siting for recreational marijuana. She stated they held breakout sessions and discussed the upcoming vote on marijuana. She congratulated the Sherwood high school on the Guys & Dolls performance and said it was the largest run they have ever had and they have outgrown their facility. She said they need a new facility and more space and she will be voting for the upcoming bond if it includes this. She attended the annual Oregon Law Enforcement Memorial today and said unfortunately another name was added to the wall. She said the memorial is open to the public and is held at the Oregon Police Academy and encouraged people to attend. She reported on upcoming events, Altered Arts Festival and Cruisin' Sherwood. She said Cruisin' is a partnered event with the City and Sherwood Chamber and volunteers are needed, contact the Chamber to volunteer.

Councilor Robinson reported that the planning commission had a good work session at their last meeting, in which Councilor Henderson attended. She said they discussed recreational marijuana. She reported the planning commission will not be meeting next Tuesday.

With no further announcements, Mayor Clark adjourned the meeting.

#### **11. ADJOURN:**

Meeting adjourned at 8:35 pm and convened to an Executive Session.

#### **EXECUTIVE SESSION**

**1. CALL TO ORDER:** Mayor Clark called the meeting to order at 8:43 pm.

**2. COUNCIL PRESENT:** Mayor Krisanna Clark, Council President Jennifer Harris, Councilors Linda Henderson, Dan King and Jennifer Kuiper. Councilor Sally Robinson via conference call and Councilor Brouse was not in attendance.

**3. STAFF PRESENT:** City Manager Joe Gall, Assistant City Manager Tom Pessemier and City Attorney Josh Soper.

#### **4. TOPICS:**

**A. ORS 192.660 (2)(f), Exempt Public Records.**

#### **5. ADJOURN:**

Mayor Clark adjourned the Executive Session at 9:07 pm.

Attest:

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Sylvia Murphy, MMC, City Recorder

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Krisanna Clark, Mayor